

BEFORE THE  
POSTAL REGULATORY COMMISSION  
WASHINGTON, D.C. 20268-0001

*In the Matter of:*

Ellisburg Post Office  
Ellisburg, New York 13636

Docket No. A2011-75

UNITED STATES POSTAL SERVICE  
COMMENTS REGARDING APPEAL  
(November 9, 2011)

On September 15, 2011, the Postal Regulatory Commission (Commission) received an appeal postmarked September 9, 2011, from postal customer Winford J. Smith (Petitioner) objecting to the discontinuance of the Post Office at Ellisburg, New York. On September 20, 2011, the Commission issued Order No. 862, its Notice and Order Accepting Appeal and Establishing Procedural Schedule under 39 U.S.C. § 404(d). On October 18, 2011, the Petitioner filed a two-page Participant Statement and PRC Form 61 (Participant Statement). In addition, the Commission received three other letters concerning the discontinuance.<sup>1</sup> In accordance with Order No. 862, the administrative record was filed with the Commission on September 30, 2011.

The appeal received by the Commission on September 15, 2011, raises three main issues: (1) the effect on postal services, (2) the impact upon the Ellisburg community, and (3) the impact upon postal employees. As reflected in the administrative record of this proceeding, the Postal Service gave these issues serious consideration consistent with the Postal Service's statutory obligations and Commission

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<sup>1</sup> Letter from John DeVeau to Postal Regulatory Commission dated September 9, 2011, PRC Docket No. A2011-90, September 15, 2011; Letter from Debra L. Payne to Postal Regulatory Commission dated September 9, 2011, PRC Docket No. A2011-90, September 21, 2011; and Letter from Joseph T. Hart to Postal Regulatory Commission dated September 16, 2011, PRC Docket No. A2011-90, September 23, 2011.

precedent.<sup>2</sup> In addition, the Postal Service also gave consideration to a number of other issues, including the calculation of economic savings expected to result from discontinuing the Ellisburg Post Office. Accordingly, the determination to discontinue the Ellisburg Post Office should be affirmed.

### **Background**

The Final Determination To Close the Ellisburg, NY Post Office and Extend Service by Highway Contract Route Service (FD), as well as the administrative record, indicate that the Ellisburg Post Office provides EAS-11 level service “from 08:00 to 12:00 and 13:00 to 16:45 Monday - Friday, 08:15 to 11:00 Saturday and lobby hours of 08:00 to 17:00 on Monday - Friday and 08:15 to 11:15 on Saturday” to 108 Post Office Box customers or general delivery customers and 34 delivery customers. FD at 2; Item No. 18, (Form 4920) Post Office Closing or Consolidation Proposal Fact Sheet (“Fact Sheet”)<sup>3</sup> The postmaster of the Ellisburg Post Office retired on March 18, 2008, and an officer-in-charge (OIC) was installed to operate the office. Upon implementation of the final determination, the noncareer postmaster relief may be separated from the Postal Service.<sup>4</sup> The average number of daily retail window transactions at the Ellisburg Post Office is twenty-six. Revenue has generally been declining: \$39,248.00 in FY 2008 (102 revenue units); \$35,270.00 in FY 2009 (92 revenue units); and \$33,228.00 in FY

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<sup>2</sup> See 39 U.S.C. 404(d)(2)(A).

<sup>3</sup> In these comments, specific items in the administrative record, other than the FD, Item No. 47, are referred to as “Item \_\_\_\_.”

<sup>4</sup> FD, at 2, 8-9; Item No. 33, Proposal to Close the Ellisburg, NY Post Office and Extend Service by Highway Contract Route Service (“Proposal”), at 10.

2010 (87 revenue units).<sup>5</sup> The Ellisburg Post Office has no meter or permit customers. FD at 2; Item No. 18, Fact Sheet; Item No. 33, Proposal, at 2.

Upon implementation of the final determination, delivery and retail services will be provided by delivery and retail services by highway contract route service under the administrative responsibility of the Pierrepont Manor Post Office, an EAS-11 level office located four miles away, which has 89 available Post Office Boxes. FD at 2; Item No. 33, Proposal, at 2, 10. This service will continue upon implementation of the FD. FD at 2.

The Postal Service followed the proper procedures which led to the posting of the FD. Issues raised by the customers of the Ellisburg Post Office were considered and properly addressed by the Postal Service. The Postal Service complied with all notice requirements. In addition to the posting of the Proposal and FD, customers received notice through other means. Questionnaires were distributed to delivery customers of the Ellisburg Post Office. Questionnaires were also available over the counter for retail customers at the Ellisburg Post Office. FD at 2; Item No. 20, Questionnaire Instruction Letter from Post Office Review Coordinator to OIC/Postmaster at Ellisburg Post Office. A letter from the Manager of Post Office Operations, Albany, New York, was also made available to postal customers, which advised customers that the Postal Service was evaluating whether to continue operation of the Ellisburg Post Office, and that effective and regular service could be provided through rural route service emanating from the Pierrepont Manor Post Office. The letter invited customers to complete and return a

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<sup>5</sup> FD, at 2; Item No. 18, Fact Sheet; Item No. 33, Proposal, at 2.

customer questionnaire and to express their opinions about the service they were receiving and the effects of a possible change involving rural route delivery. Item No. 21, Letter to Customer, at 1. The returned customer questionnaires and Postal Service response letters appear in the administrative record in Item No. 22. In addition, representatives from the Postal Service were available at the Ellisburg Town Hall for a community meeting on May 4, 2011, to answer questions and provide information to customers. FD at 2; Item No. 21, Letter to Customer, at 1; Item No. 24, Community Meeting Roster; Item No. 25, Community Meeting Analysis; Item No. 33, Proposal, at 2. Customers received formal notice of the Proposal and FD through postings at the Ellisburg Post Office and the Pierrepont Manor Post Office. The Proposal was posted with an invitation for public comment at the Ellisburg Post Office and the Pierrepont Manor Post Office from May 18, 2011 to July 19, 2011. FD, at 2; Item No. 36, Round-date Stamped Proposals and Invitations for Comments. The FD was posted at the same two Post Offices starting on August 23, 2011, as confirmed by the round-dated FD cover sheets that appear in the administrative record. Item No. 49, at 1-2.

The decision to issue the FD was based on several factors, one of which was that the Postmaster position became vacant.<sup>6</sup> In light of the postmaster vacancy, minimal workload, declining office revenue,<sup>7</sup> the variety of delivery and retail options

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<sup>6</sup> Petitioners question why a decision was made to study the Ellisburg Post Office on grounds of the postmaster vacancy. Under regulations in Handbook PO-101 in effect at the time the discontinuance was commenced, it was common to initiate a study when the postmaster position became vacant. See former Handbook PO-101 § 213. The Postal Service further notes that changes made to Handbook PO-101 effective July 14, 2011, promote consistency of decision-making by allowing for the identification of candidate facilities for study based on factors such as workload, customer demand, and availability of alternatives.

<sup>7</sup> See note 5 and accompanying text.

(including the convenience of rural delivery and retail service),<sup>8</sup> little recent growth in the area,<sup>9</sup> minimal impact upon the community, and the expected financial savings,<sup>10</sup> the Postal Service issued the FD.<sup>11</sup> Regular and effective postal services will continue to be provided to the Ellisburg community in an effective manner upon implementation of the final determination. FD at 2.

Each of the issues raised by the Petitioners is addressed in the paragraphs which follow.

### **Effect on Postal Services**

Consistent with the mandate in 39 U.S.C. § 404(d)(2)(A)(iii) and as addressed throughout the administrative record, the Postal Service considered the effect of closing the Ellisburg Post Office on postal services provided to Ellisburg customers. The closing is premised upon providing regular and effective postal services to Ellisburg customers.

The Petitioners' submissions raise the issue of the effect on postal services of the Ellisburg Post Office's closing, noting the convenience of the Ellisburg Post Office and requesting its retention. As explained in the record, the effect of the closing of the Ellisburg Post Office on the customers of the Ellisburg Post Office was considered extensively by the Postal Service. FD at 2-9; Item No. 21, Letter to Customer; Item No. 23, Questionnaire Analysis; Item No. 25, Community Meeting Analysis; Item No. 33, Proposal, at 2-10; Item No. 40, Analysis of Comments. Upon the implementation of the

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<sup>8</sup> FD, at 2-4, 7, 9; Item No. 33, Proposal, at 3-4, 6-8, 10.

<sup>9</sup> Item No. 16, Community Survey Sheet.

<sup>10</sup> FD, at 8; Item No. 18, Fact Sheet; Item No. 29, Proposal Checklist, at 2; Item No. 33, Proposal, at 10.

<sup>11</sup> FD, at 9.

Final Determination, delivery and retail service will be provided by highway contract route service under the administrative responsibility of the Pierrepont Manor Post Office, located four miles away. FD at 2, 9; Item No. 33, Proposal, at 2, 10. The window service hours of the Pierrepont Manor Post Office are from 8 a.m. to 11:30 a.m. and 12:30 to 16:45 p.m., Monday through Friday and 8 a.m. to 10:45 a.m. on Saturday. FD, at 2; Item No. 21, Letter to Customer, at 1; Item No. 33, Proposal, at 2. In addition, customers opting for carrier service will have 24-hour access to their mail. FD, at 7; Item No. 33, Proposal, at 8.

Petitioners question the distance customers might have to travel to Pierrepont Manor Post Office. The Postal Service explained that services provided at the Post Office will be available from the carrier, and customers will not have to travel to another post office for service. Most transactions do not require meeting the carrier at the mailbox. Stamps by Mail and Money Order Application forms are available for customer convenience. Carrier service is beneficial to many senior citizens and those who face special challenges because the carrier can provide delivery and retail services. Customers do not have to make a special trip to the Post Office for service. FD, at 3-4; Item No. 23, Questionnaire Analysis, at 1-2; Item No. 25, Community Meeting Analysis, at 2-3; Item No. 33, Proposal, at 3-4, 6-7.

Petitioner Payne expresses concern about sending of accountable mail and the purchase of postage. The Postal Service explained that special services such as certified, registered, Express Mail, delivery confirmation, signature confirmation and COD services may be obtained from the carrier by leaving a note in the mailbox, along

with the appropriate payment. The carrier will provide the services that day and leave a customer receipt in the mailbox on the next delivery day. FD, at 4; Item No. 23, Questionnaire Analysis, at 2; Item No. 25, Community Meeting Analysis, at 3; Item No. 33, Proposal, at 3. In addition, the Stamps by Mail Program provides customers the opportunity to purchase stamps, envelopes and postal cards by using a form available from the post office or the carrier. FD, at 3; Item No. 23, Questionnaire Analysis, at 1; Item No. 33, Proposal, at 3.

Petitioners Smith, Payne and DeVeau express concern about parking at the Pierrepont Manor Post Office. The Postal Service explained that a site visit was conducted and it has been determined that there is adequate parking. FD, at 6; Item No. 25, Community Meeting Analysis, at 4; Item No. 33, Proposal, at 5-6.

Petitioner Smith questions the ability of the Pierrepont Manor Post Office to meet the demand of Ellisburg customers for Post Office Boxes. The Postal Service explained that there are 89 Post Office Boxes available at the Pierrepont Manor Post Office. FD, at 2; Item No. 33, Proposal, at 2. Assuming that some of the customers who receive Post Office Box service at the Ellisburg Post Office switch to carrier delivery, there should be a sufficient number of Post Office Boxes for Ellisburg customers at the Pierrepont Manor Post Office.

Petitioner Payne expresses concern about the security of the mail. The Postal Service explained that customers may place a lock on their mailbox. The mailbox must have a slot large enough to accommodate the customer's normal daily mail volume. The Postal Service does not open mailboxes which are locked and does not accept

keys for this purpose. FD at 3; Item No. 23, Questionnaire Analysis, at 1; Item No. 25, Community Meeting Analysis, at 1; Item No. 33, Proposal, at 3.

Petitioner Smith questions why the Ellisburg Post Office, rather than the Pierrepont Manor Post Office, is being discontinued. He suggests that in lieu of discontinuing the Ellisburg Post office, the Postal Service instead consider the possibility of merging the Pierrepont Manor Post Office with the Mannsville Post Office. The Postal Service explained that Post Offices are reviewed on a case-by-case basis. When there is a vacancy in a small office, it is customary to conduct a study of the business activity of that specific office and investigate the feasibility of providing service by alternate means. FD, at 3. In addition, the Postal Service explained that if the Ellisburg Post Office is closed, the Star Route would remain in place. FD at 4; Item No. 25, Community Meeting Analysis, at 1; Item No. 33, Proposal, at 4. The Postal Service estimated that highway contract route service under the administrative responsibility of the Pierrepont Manor Post Office would cost the Postal Service substantially less than maintaining the Ellisburg Post Office and still provide regular and effective service. FD, at 9; Item No. 21, Letter to Customer, at 1; Item No. 33, Proposal, at 10.

The Postal Service has considered the impact of closing the Ellisburg Post Office upon the provision of postal services to Ellisburg customers. Highway contract route service under the administrative responsibility of the Pierrepont Manor Post Office provides similar access to retail service, alleviating the need to travel to the Post Office. FD at 2-4, 7, 9; Item No. 23, Postal Customer Questionnaire Analysis; Item No. 33, Proposal, at 3-4, 6, 8, 10. Thus, the Postal Service has properly concluded that all



Ellisburg customers will continue to receive regular and effective service via highway contract route service under the administrative responsibility of the Pierrepont Manor Post Office, located four miles away.

### **Effect Upon the Ellisburg Community**

The Postal Service is obligated to consider the effect of its decision to close the Ellisburg Post Office upon the Ellisburg community. 39 U.S.C. § 404(d)(2)(A)(i). While the primary purpose of the Postal Service is to provide postal services, the statute recognizes the substantial role in community affairs often played by local Post Offices, and requires consideration of that role whenever the Postal Service proposes to close or consolidate a Post Office.

Ellisburg is an incorporated community located in Jefferson County. The Jefferson County Sheriff provides police protection. The community is administered politically by the Village of Ellisburg, with fire protection provided by the Ellisburg Volunteer Fire Department. The questionnaires completed by Ellisburg customers indicate that they must travel elsewhere for other supplies and services. See generally Item No. 22, Returned customer questionnaires and Postal Service response letters, at 2, 4, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 32, 34, 36, 38, 40, 43, 46, 48, 50, 52, 54, 58, 60, 62, 64, 66, 68, 70, 74, 80, 82, 84, 86, 88, 90, 91, 93, 95, 97, 99, 101, 103, 107, and 109.

Petitioners Smith and Payne raise the issue of the effect of the closing of the Ellisburg Post Office upon the Ellisburg community. This issue was extensively considered by the Postal Service, as reflected in the administrative record. FD, at 7-8;

Item No. 25, Community Meeting Analysis, at 2, 4; Item No. 33, Proposal, at 8-9; Item No. 40, Analysis of Comments. That the Ellisburg Post Office plays a role in the community other than just providing postal services was considered by the Postal Service. FD at 7-8; Item No. 16, Community Survey Sheet; Item No. 25, Community Meeting Analysis, at 4.

Petitioners Smith, Payne, DeVeau, and Hart express concern that the Ellisburg Post Office is located within the Village of Ellisburg, which is within the Town of Ellisburg, and that many municipal government entities are located within the village of Ellisburg and serviced by the Ellisburg Post Office. Petitioner Smith notes that Pierrepont Manor is within the Township of Ellisburg, but expresses concern about the effect of the closing of the Ellisburg Post Office on the identity of the community. The Postal Service explained that a community's identity derives from the interest and vitality of its residents and their use of its name. The record makes clear that the Postal Service is helping to preserve community identity by continuing the use of the Ellisburg name and ZIP Code in addresses and in the National Five-Digit ZIP Code and Post Office Directory. FD, at 8; Item No. 33, Proposal, at 8. Communities generally require regular and effective postal services and these will continue to be provided to the Ellisburg community.

Petitioner Hart expresses concern about a change of address. The Postal Service explained that customers who retain their Post Office Box or currently have street delivery will not be required to change their addresses. Only customers electing to close their Post Office Box and begin street delivery would be required to change

their address, if a final determination is made to close or consolidate the Ellisburg Post Office. FD, at 3. Item No. 23, Questionnaire Analysis, at 1; Item No. 33, Proposal at 3.

Petitioner Hart expresses concerns about 911 addresses. The Postal Service explained that 911 addresses are generally given by the county's 911 coordinator. The Postal Service does not establish 911 addresses. Any questions concerning a 911 address should be directed to the county's 911 coordinator. FD, at 3; Item No. 23, Questionnaire Analysis, at 1; Item No. 33, Proposal, at 2.

In addition, the Postal Service has concluded that nonpostal services provided by the Ellisburg Post Office can be provided by the Pierrepont Manor Post Office. Government forms usually provided by the Post Office are also available by contacting local government agencies. FD at 7; Item No. 33, Proposal, at 8.

Thus, the Postal Service has met its burden, as set forth in 39 U.S.C. § 404(d)(2)(A)(i), by considering the effect of closing the Ellisburg Post Office on the community served by the Ellisburg Post Office.

### **Effect on Employees**

As documented in the record, the impact on postal employees is minimal. The postmaster retired on March 18, 2008, and an officer-in-charge (OIC) was installed to operate the office. Upon implementation of the final determination, the noncareer postmaster relief may be separated from the Postal Service. The record shows that no other employee would be affected by this closing. FD, at 2, 8; Item No. 33, Proposal, at 2, 10.

Petitioners Smith and Deveau question whether the vacancy is the only reason prompting discontinuance of the Ellisburg Post Office. While it is evident that a postmaster vacancy prompted the discontinuance study, the Postal Service's final determination is based upon a review of numerous factors and statutory criteria, including the impact on postal services, impact on the community, economic savings, and impact on employees. As discussed previously, the decision to issue the FD was based on several factors, only one of which was the vacancy itself.<sup>12</sup>

Therefore, in making the determination, the Postal Service considered the effect of the closing on the employees at the Ellisburg Post Office, consistent with its statutory obligations. See 39 U.S.C. § 404(d)(2)(A)(ii).

### **Economic Savings**

Postal officials also properly considered the economic savings that would result from the proposed closing, as provided under 39 U.S.C. § 404(d)(2)(A)(iv). The Postal Service estimates that providing delivery and retail services by highway contract route service under the administrative responsibility of the Pierrepont Manor Post Office would cost the Postal Service substantially less than maintaining the Ellisburg Post Office and would still provide regular and effective service. FD, at 8-9; Item No. 21, Letter to Customer, at 1; Item No. 33, Proposal, at 10. The estimated annual savings associated with discontinuing the Ellisburg Post Office are \$43,124.00. FD at 8; Item No. 33, Proposal, at 10.

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<sup>12</sup> See notes 6-11 and accompanying text.

Economic factors are one of several factors that the Postal Service considered, and economic savings have been calculated as required for discontinuance studies, which is noted throughout the administrative record, consistent with the mandate in 39 U.S.C. § 404(d)(2)(A)(iv). FD, at 8; Item No. 33, Proposal, at 10.

The Postal Service determined that providing delivery and retail services by highway contract route service under the administrative responsibility of the Pierrepont Manor Post Office is more cost-effective than maintaining the Ellisburg postal facility and postmaster position. FD, at 9. The Postal Service's estimates are supported by record evidence, in accordance with the Postal Service's statutory obligations. The Postal Service, therefore, has considered the economic savings to the Postal Service resulting from such a closing, consistent with its statutory obligations and Commission precedent. See 39 U.S.C. § 404(d)(2)(A)(iv).

### **Conclusion**

As reflected throughout the administrative record, the Postal Service has followed the proper procedures and carefully considered the effect of closing the Ellisburg Post Office on the provision of postal services and on the Ellisburg community, as well as the economic savings that would result from the proposed closing, the effect on postal employees, and other factors, consistent with the mandate of 39 U.S.C. § 404(d)(2)(A).

After taking all factors into consideration, the Postal Service determined that the advantages of discontinuance outweigh the disadvantages. In addition, the Postal Service concluded that after the discontinuance, the Postal Service will continue to

provide effective and regular service to Ellisburg customers. FD, at 9. The Postal Service respectfully submits that this conclusion is consistent with and supported by the administrative record and is in accord with the policies stated in 39 U.S.C. § 404(d)(2)(A). The Postal Service's decision to close the Ellisburg Post Office should, accordingly, be affirmed.

The Postal Service respectfully requests that the determination to close the Ellisburg Post Office be affirmed.

Respectfully submitted,

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